

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

Amended Complaint

BLAZE Waters

(In the space above enter the full name(s) of the plaintiff(s).)

- against -

Amtrak

Civil/Criminal Action No.
CASE number 19-3518
(Judge Cynthia M. Rufe)

COMPLAINT

Jury Trial: ☒ Yes ☐ No

(check one)

SEP 19 2019

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff	Name	<u>BLAZE Waters</u>
	Street Address	<u>1302 Orthodox St.</u>
	County, City	<u>Philadelphia County, Philadelphia</u>
	State & Zip Code	<u>Pennsylvania, 19124</u>
	Telephone Number	<u>(267) 339-1579</u>

- B. List all defendants. You should state the full name of the defendants, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant can be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1

Name Amtrak
 Street Address 1 Massachusetts Ave NW
 County, City Washington, D.C.
 State & Zip Code District of Columbia, 20001

Defendant No. 2

Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____

Defendant No. 3

Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____

Defendant No. 4

Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____

II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

- A. What is the basis for federal court jurisdiction? (check all that apply)

☒ Federal Questions

☐ Diversity of Citizenship

- B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue?

The Americans w/ Disabilities Act (ADA), in regards to discrimination against people w/ disabilities during transportation.

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship _____

Defendant(s) state(s) of citizenship _____

III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur? Amtrak train (crescent line)
travelling from Charlotte, NC. to Atlanta, GA

B. What date and approximate time did the events giving rise to your claim(s) occur? _____
8/27/2017 approximately 5:00 AM Eastern time

What
happened
to you?

C. Facts: On July 25th 2017, I purchased a handicap accessible multi-city trip
ticket travelling to Atlanta from Charlotte, North Carolina for myself and
my travel companion, Keith Hor. Keith and I are both visibly disabled and
travel together frequently on Amtrak trains. On the morning of August 27th
2017, Keith and I boarded our train and took our seats within the handicap
section. Minutes later, we were approached by the train attendant, who in a very
unpleasant tone told us that we had to "move and sit the fuck down on the
opposite side of the train, which was not handicap accessible. I tried to tell her
that I had breathing equipment and that I had purchased handicap seating, but
she wouldn't hear anything that we had to say. Reluctantly, Keith and I
moved and watched as the attendant put a piece of luggage in the seats
to prevent us or anyone else with a disability from sitting. Due to her loud
voice and demeanor, the attendant woke up the other passengers, who then
started heckling and threatening us to comply with the attendant. The attendant
used discriminatory words pertaining to our sexualities and health statuses while
also claiming that we couldn't afford handicap seating. She yelled "if you
want a handicap seat, you have to pay for it!" She proceeded to purposefully agitate
us by vacuuming by our feet, etc. At first, I couldn't find anyone to assist us
in rectifying the situation. I reached out to Amtrak on social media via
Facebook messenger and they couldn't provide me with any immediate
assistance. Hours later, I found the attendant's manager four train cars away.

Who did
what?

Was
anyone
else
involved?

Who else
saw what
happened?

She was able to confirm my handicap ticket by simply asking my name. She

barely apologized to me and couldn't even look me in the face. She did nothing further to assist me. For the duration of the trip, no one assisted us any further. We weren't even told when we arrived at the last stop and no one assisted us in exiting the train.

IV. Injuries: I have video and pictures that were taken during the event.

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

I was deprived of using my oxygen machine and mobility due to non handicap accessible seating. I also suffered chest and leg pains from the stress of the situation and not being in a handicap accessible area intensified it.

V. Relief:

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation.

I'm seeking a judgement in the amount of \$2,000,000 plus, plus court costs and fees. I was disrespected, humiliated, embarrassed and discriminated against by the attendant. Her actions endangered my travel companion and I, and we felt threatened by the other passengers. ~~to speak for ease some what was never done~~.

I paid for a specific service that I didn't receive. The attendant's actions violated the Americans with Disabilities Act.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this _____ day of _____, 20____.

Signature of Plaintiff _____

Mailing Address 1302 Orthodox St.
Philadelphia, PA 19124

Telephone Number (267) 339-1579

Fax Number (if you have one) _____

E-mail Address justinbenot77@gmail.com

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint. Prisoners must also provide their inmate numbers, present place of confinement, and address.

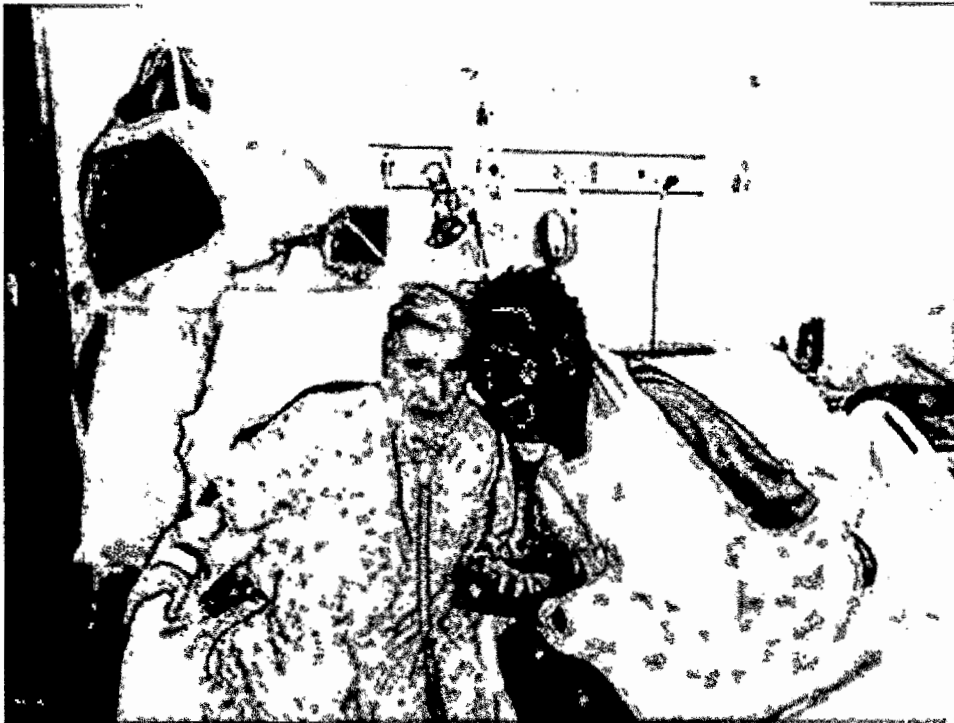
For Prisoners:

I declare under penalty of perjury that on this _____ day of _____, 20____, I am delivering this complaint to prison authorities to be mailed to the Clerk's Office of the United States District Court for the Eastern District of Pennsylvania.

Signature of Plaintiff: _____

Inmate Number _____







PRESENT THIS DOCUMENT FOR BOARDING

RESERVATION NUMBER CDE747

RES# CDE747-04JUN17

CLT-MULTIPLE CITIES

Multi-City Trip

CHARLOTTE, NC

AUGUST 27, 2017

TRAIN	CRESCENT	CHARLOTTE - ATLANTA	DEPARTS	ARRIVES (Sun Aug 27)
19	Aug 27, 2017	1 Reserved Coach Seat 1 Accessible Coach Seat	4:13 AM	9:41 AM

TRAIN	CRESCENT	ATLANTA - NEW ORLEANS	DEPARTS	ARRIVES (Wed Aug 30)
19	Aug 30, 2017	1 Viewliner Accessible Bedroom Car 1911 - Room H	10:06 AM	9:00 PM

TRAIN	CRESCENT	NEW ORLEANS - PHILADELPHIA (30TH ST)	DEPARTS	ARRIVES (Sun Sep 10)
20	Sep 9, 2017	1 Viewliner Accessible Bedroom Car 2010 - Room H	7:00 AM	12:08 PM

PASSENGERS (2)

AMTRAK GUEST REWARDS

WATERS, BLAZE	ADULT - DISABLED	7039376327 MEMBER
HOFF, KETH	ADULT - DISABLED	7135345929

Proper identification is required for all passengers. This document is valid for only passengers listed. See www.amtrak.com/ID for details.

IMPORTANT INFORMATION

- MELTY-IMPFD ADULT ID & SELF-CERTIF REQ'D ON TRAIN
- NOT VALID ON OTHER DATES/TRAINS
- MELTY-IMPFD ID & CERTIF REQ'D
- NON-REFUNDABLE EXCHANGES PERMITTED FOR OTHER RAIL FAKE PURCHASES

- Long-term parking for the Atlanta station is located across the street at the America's Best Value Inn on Peachtree Street. Park your car and pay with the front desk clerk inside the hotel, then put the parking ticket on your dashboard.
- eTickets for **Reserved services** are valid only for the specific train number, date and accommodation type booked.
- When should you arrive at the station? Check the recommended arrival times for your departure station at Amtrak.com/stations. Allow additional time if you require ticketing/baggage services or boarding assistance, or if you are boarding at a Canadian station.
- Tickets are non-transferable. They are valid only for the personal use of the passenger(s) named on the ticket.
- For Amtrak travel information, or to make adjustments to your travel plans, please visit Amtrak.com, or call 1-800-USA-RAIL (1-800-872-7245).
- Your printed eTicket travel document shows the services you booked. If you change your booking but do not reprint the document, it will not reflect your current itinerary. You may obtain an updated copy of your eTicket at Amtrak.com. At some stations, a gate agent may need to view your eTicket prior to boarding (learn more at Amtrak.com/boarding).
- Refund and exchange restrictions and penalties for failure to cancel unwanted travel may apply. See the refund/exchange policy at Amtrak.com/refund.

Gmail - Fwd: Amtrak Reservation Exchange Confirmation

5/15/19, 5:35 PM



Fwd: Amtrak Reservation Exchange Confirmation

Blaze Waters <blazemwaters@aol.com>
To: justinbenoit77@gmail.com

Tue, Jul 25, 2017 at 7:47 PM

Sent from AOL Mobile Mail

From: DoNotReply <DoNotReply@amtrak.com>
Date: Tuesday, July 25, 2017
Subject: Amtrak Reservation Exchange Confirmation
To: BLAZEMWATERS <BLAZEMWATERS@AOL.COM>

SCAN AT QUIK-TRAK

[Barcode]

1. Print this confirmation page.
2. Scan the barcode under the scanner below the keypad.
3. Touch the "Print Tickets" button

[Kiosk]

Receipt and Itinerary as of 25-Jul-2017, 01:03 AM (EDT).

Dear Amtrak Customer,

Thank you for choosing Amtrak. Please save or print this page for your records.

Your reservation has been changed. If you have issues with these changes please contact 1-800-USA-RAIL (1-800-872-7245). Here are your new travel details.

Reservation Number: CDE747

THIS IS NOT A TICKET

This confirmation notice is not a ticket. You must obtain a ticket before boarding.

TICKETING INFORMATION

Pick up your tickets at any Amtrak Quik-Trak self-service ticketing kiosk, or at any Amtrak ticket window. Check station operating hours before you go; ticket window and Quik-Trak kiosk hours vary from station to station. Your entire reservation (all segments) will be cancelled if you do not pick up your tickets before your first departure or if you no-show for any segment in your reservation. If your reservation cancels, you will need to make a new reservation, which may be at a higher fare.

IMPORTANT POLICIES

Gmail - Fwd: Amtrak Reservation Exchange Confirmation

5/15/19, 5:35 PM

*Valid identification is required for all passengers 18 and over. For detailed information, please visit www.amtrak.com/ID or call 1-800-USA-RAIL (1-800-872-7245).

*Two carry-on bags, up to 50 lb and 28 x 22 x 14 inches each, are allowed per passenger. For important baggage policy information, please visit www.amtrak.com/BaggagePolicy or call 1-800-USA-RAIL (1-800-872-7245).

PASSENGER INFORMATION

Passenger 1: Waters, Blaze
Amtrak Guest Rewards Number: 7039376327
Passenger 2: Horr, Keith
Amtrak Guest Rewards Number: 7135345929

ITINERARY

Philadelphia (30Th St), Pennsylvania (Phl) to Charlotte, North Carolina (Clf)
Tuesday August 22, 2017 8:54AM - Tuesday August 22, 2017 8:44PM

Train: 79 Carolinian
Duration: 11H 50M

Departs:
Philadelphia (30Th St), Pennsylvania (Phl)
Tuesday August 22, 2017 8:54AM

Arrives:
Charlotte, North Carolina (Clf)
Tuesday August 22, 2017 8:44PM

Seat(s)/Room(s):
2 Reserved Coach Seats

Charlotte, North Carolina (Clf) to Atlanta, Georgia (Atl)
Sunday August 27, 2017 4:13AM - Sunday August 27, 2017 9:41AM

Train: 19 Crescent
Duration: 05H 28M

Departs:
Charlotte, North Carolina (Clf)
Sunday August 27, 2017 4:13AM

Arrives:
Atlanta, Georgia (Atl)
Sunday August 27, 2017 9:41AM

Seat(s)/Room(s):
2 Reserved Coach Seats

Atlanta, Georgia (Atl) to New Orleans, Louisiana (Nol)
Wednesday August 30, 2017 10:06AM - Wednesday August 30, 2017 9:00PM

Train: 19 Crescent

Gmail - Fwd, Amtrak Reservation Exchange Confirmation

5/15/19, 5:35 PM

Duration: 10H 54M

Departs:

Atlanta, Georgia (Atl)

Wednesday August 30, 2017 10:06AM

Arrives:

New Orleans, Louisiana (Nol)

Wednesday August 30, 2017 9:00PM

Seat(s)/Room(s):

Viewliner Accessible Bedroom H In Car 1911

=====

New Orleans, Louisiana (Nol) to Philadelphia (30Th St), Pennsylvania (Phl)
 Saturday September 9, 2017 7:00AM - Sunday September 10, 2017 12:08PM

=====

Train: 20 Crescent

Duration: 29H 08M

Departs:

New Orleans, Louisiana (Nol)

Saturday September 9, 2017 7:00AM

Arrives:

Philadelphia (30Th St), Pennsylvania (Phl)

Sunday September 10, 2017 12:08PM

Seat(s)/Room(s):

Viewliner Accessible Bedroom H In Car 2010

Special Service Has Been Requested

=====

FARE INFORMATION

=====

Rail	\$ 694.70
------	-----------

Accommodations	\$ 622.20
----------------	-----------

Ticket Delivery Fee	\$ 0.00
---------------------	---------

Subtotal	\$ 1316.90
----------	------------

Credit From Previous Purchase	\$ 1222.55
-------------------------------	------------

Forfeit Amount	\$ 0.00
----------------	---------

Purchase Total	\$ 94.35
----------------	----------

Evoucher Amount	\$ 0 00
-----------------	---------

Refund Fee	\$ 0.00
------------	---------

Refund Amount	\$ 0.00
---------------	---------

Gmail - Fwd Amtrak Reservation Exchange Confirmation

5/15/19, 5:35 PM

We have sent an e-mail confirmation to the following addresses: BLAZEMWATERS@AOL.COM

BILLING INFORMATION

AMTRAK - www.amtrak.com

Billed to:

ADDITIONAL INFORMATION

- * When should you arrive at the station? Check the recommended arrival times for your departure station at Amtrak.com/stations. Allow additional time if you are boarding at a Canadian station, or require ticketing/baggage services or boarding assistance.
- * If you are traveling on the Auto Train, motorcycles and vehicles with trailers must check in by 2:00 pm. All other vehicles must check in by 2:30 pm. Vehicles will not be accepted after 2:30 pm.
- * You may cancel (but not modify) your reservation online. Cancellation fees and/or refund fees may apply. To change your reservation, please call 1-800-USA-RAIL (1-800-872-7245).
- * THIS IS NOT A TICKET. You must obtain your ticket(s) before boarding.

HAVE A GREAT TRIP!

* Need a hotel? Amtrak offers great deals for your destination. For the best deals in cars and hotels please visit <http://trip.amtrak.com> to learn more.
Questions? Contact us online at www.amtrak.com/contactus or call 1-800-USA-RAIL (1-800-872-7245).

The policies described above apply to travel on Amtrak services.

Justin Benoit <justinbenoit77@gmail.com>
To: "mbalmu1@aol.com" <mbalmu1@aol.com>

Thu, Aug 10, 2017 at 1:23 PM

[Quoted text hidden]

Messages LTE 12:55 AM



Amtrak
Messenger



Amtrak ✖

639K people like this including
Francis M. Berkery and 102
friends

Railroad Company

08/27/2017, 6:06 AM

I'm on your train with a
friend and we were
both humiliated by the
lady that seated us in
front of the whole
cabin 2 times I'm
disabled and so is my



Aa



Messages LTE 12:55 AM



Amtrak
Messenger



**639K people like this including
Francis M. Berkery and 102
friends**

Railroad Company

03/27/2017, 6:06 AM

**I'm on your train with a
friend and we were
both humilily be the
lady that seated us in
front of the whole
cabin 2 times I'm
disabled an so is my
friend I'm having such
bad chest pain over it
an they won't came
near me now I can't
find her**



Aa



Messages  LTE 12:56 AM



Amtrak
Messenger



**I have a handicap seat
she would not even
ask for my I'd never
asked either of us
screaming get out of
that handicap seat I'm
so upset no apology
she said get out of
that seat if you want it
pay for it ...it was
horifying I plan on
going to the board of
disability**

**Not ones did she ask
when I told her I was
disabled did she ask
me if I needed**



Aa



Messages  LTE 12:56 AM



Amtrak
Messenger



**Not ones did she ask
when I told her I was
disabled did she ask
me if I needed
anything I told her I
have oxygen she
could care less an said
get your bag out of
that area mumbling
ppl trying it with her
pay for the dam seat if
you want it**

**We apologize. We
have forwarded your
concerns to
management.**



Aa



Messages LTE 12:56 AM



Amtrak
Messenger



Why would anyone
with a disability have 2
pay more 4 a seat
then a person without
one

U can forward that
she know I was taping
her but she never
came to change my
seat or check me to
say I'm so sorry it was
a mistake can I help u
with your oxygen or
nothing I'm so upset
my heart it racing

That's not the women



Aa



Messages  LTE 12:56 AM



Amtrak
Messenger






**That's not the women
that's her coworker
she knows who she is**

**We apologize.
These issues are
handled by
Customer
Relations. Please
call us at 1-800-
USA-RAIL (SU
8a-430p EST) or
email us at
[https://
www.amtrak.com/
contact-us](https://www.amtrak.com/contact-us)**



Aa



Messages  LTE 12:57 AM  



Amtrak
Messenger



1:27



Well thank you for
listening



OMG I went in my bag
she made me move u
to the front an my
money belt is gone I
can't tell my friend he
will go off



Aa



Messages  LTE 12:57 AM



Amtrak
Messenger



**Is there cameras on
the train**



I'm in 25101



APR 4, 5:04 PM

**I'm writing you one
last time for a
settlement my
condition has grown
worse and I would like
a settlement if not
next week I'm headed
to file a law suit to put
a handicap person out
of a handicap cap seat
an harrass me was not
right we were the only**



Aa



Messages  LTE 12:57 AM



Amtrak
Messenger



right we were the only
white ppl on the train I
felt threatened to do
this in the middle of
the night an have the
other passengers to
be heckling stuff and
I'm married to a Blk
man so I'm not racist
would you please get
back to me

2673391579 it's been
a while I been in icu in
the hospital for 9
month straight now
I'm bed bound since
an would like a
settlement from your



Aa



Messages LTE 12:58 AM



Amtrak
Messenger



2673391579 it's been
a while I been in icu in
the hospital for 9
month straight now
I'm bed bound since
an would like a
settlement from your
company I wrote Fox
News they ask me to
let them know how
our communication
goes so please let's
do this civilly thank
you Blaze waters



Aa



Messages  LTE 12:58 AM



Amtrak
Messenger



**let them know how
our communication
goes so please let's
do this civilly thank
you Blaze waters**



0:15



This is me



APR 4, 5:21 PM



Aa



Messages  LTE 12:58 AM



Amtrak
Messenger



**Please. Get me
through to who ever
handles these cases
please I would
appreciate it**



APR 5, 4:34 PM




12:19 AM

**Hi this is Blaze Waters.
You have not wrote
me back that you're
sending this to
management like you
have before. If you
scroll up you will see**



Aa



Messages  LTE 12:58 AM



Amtrak
Messenger



sending this to management like you have before. If you scroll up you will see that I sent a letter and it went to them but it has disappeared from my screen. Let this serve as a warning to you that I'm about to get a cab or disabled transit to small claims since you're not responding to me and my videos that have been sent. I want you to contact me like in the past. The reason



Aa



Messages LTE 12:59 AM



Amtrak
Messenger




and a half (my first
stent in the hospital
was for 9 months
straight). I'm still
going through my
illness and it's hard for
me to get around. My
travel date was
8/27/17 on Train 19
and my ticket # was
CDE747. My Amtrak
rewards # is
7039376327. If you
look up my history
then you will see that I
am a faithful customer
and I always purchase
handicapped seating



Aa



Messages  LTE 12:59 AM



Amtrak
Messenger



handicapped seating
and rooms. The way
we were treated by
this one Amtrak
employee on the train
as handicap ppl was
not right. It was
against all rules and
rights that come with
being disabled. Not
only did that
employee allow
heckling from other
passengers but she
raised her voice for
me to "get my ass and
my shit out of the
handicap area". She



Aa



Messages  LTE 12:59 AM



Amtrak
Messenger



handicapped seating and rooms. The way we were treated by this one Amtrak employee on the train as handicap ppl was not right. It was against all rules and rights that come with being disabled. Not only did that employee allow heckling from other passengers but she raised her voice for me to "get my ass and my shit out of the handicap area". She



Aa



Messages  LTE 12:59 AM



Amtrak
Messenger



woke up the train. My travel mate and I were the only minorities on board and we're also both disabled. She refused to listen to me when I told her I purchased handicapped seats. People on the train were threatening me. I was afraid that if they followed through with their threats that I "better get my ass in the chairs like the lady said or there was going to be a



Aa



Messages  LTE 12:59 AM



Amtrak
Messenger



woke up the train. My travel mate and I were the only minorities on board and we're also both disabled. She refused to listen to me when I told her I purchased handicapped seats. People on the train were threatening me. I was afraid that if they followed through with their threats that I "better get my ass in the chairs like the lady said or there was going to be a



Aa



Messages  LTE 12:59 AM



Amtrak
Messenger



going to be a
problem" then I
would've been more
disabled then I
already am. Pls send
this to management
and send me a text
back to let me know
that action is being
taken like you've done
in the past. I've given
you more than enough
time to respond to this
and I've even went on
your website over a
month ago and sent
an email to customer
service and I'm still



Aa



Messages  LTE

1:00 AM



Amtrak
Messenger



already am. Pls send this to management and send me a text back to let me know that action is being taken like you've done in the past. I've given you more than enough time to respond to this and I've even went on your website over a month ago and sent an email to customer service and I'm still waiting on a response. I'm going to small claims court later today to file a claim



Messages



LTE

1:00 AM



Amtrak
Messenger



that action is being
taken like you've done
in the past. I've given
you more than enough
time to respond to this
and I've even went on
your website over a
month ago and sent
an email to customer
service and I'm still
waiting on a response.
I'm going to small
claims court later
today to file a claim
against you. Sincerely
Blaze Waters
2673391579

1



MetroPCS LTE

1:12 AM



Amtrak
Messenger



1:02 AM

**Hey! In reviewing
your information,
our records reflect
your concerns were
reported to our
Customer Relations
Department and
forwarded to
management. For
further assistance,
you may reach out
to Customer
Relations. We are
unable to provide
any assistance
regarding your case.**



Aa



MetroPCS LTE

1:12 AM



Amtrak
Messenger



regarding your case.



Please send me the address of your legal departments legal address please I'm not sure why it took you all these months to get back to me but only for my husband asking a question I got you !

So now would you please send me your main address of Amtrak an the address of your legal department please?



MetroPCS LTE

1:16 AM



Amtrak
Messenger



**So now would you
please send me your
main address of
Amtrak an the
address of your legal
department please?**



**I need the addresses
for us mail please !!!!**



**Will you please send
them to me to help me
I am a paying
customer and I
deserve a response
from you as a
employee of your
department please!!!**



Aa

